

**Council Minutes**  
**July 20, 2016**

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**7:00 pm – Public Hearing**

- I.** Roll Call: Mayor Rudy Sutton, CM John Ness, CW Lorraine Gorman, CM Jermaine Hatton, CW Cindy Cook, TC Cathy Beaver
  - II.** Recognition of Visitors: 7
  - III.** Pledge of Allegiance: The pledge was said.
  - IV.** Final reading of Ordinance No. 16-06, Parking Restrictions on Main Street, West of Railroad Tracks to Town Limits
    - a.** CM Ness read Ordinance No. 16-06 by title and synopsis only.
    - b.** In the following discussion, Mr. Albert from 412 Main Street thanked Council for their due diligence in following through with this.
    - c.** CM Ness elaborated that there will be no parking from the railroad tracks west to the Town limits on Main Street and Mountaire has put chains and cones up to prevent early and late arrivals.
    - d.** CM Ness motioned, CM Hatton seconded with unanimous vote to consider adopting Ordinance No. 16-06 in the public hearing.
  - V.** Adjournment: 7:08 pm, CM Ness motioned, CM Hatton seconded with unanimous vote.
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**7:15 pm - Meeting**

- I.** Call to Order: 7:15 pm
- II.** Opening Ceremonies
  - a.** Roll Call: Mayor Rudy Sutton, CM John Ness, CW Lorraine Gorman, CM Jermaine Hatton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
  - b.** Recognition of Visitors: 7
  - c.** Pledge of Allegiance: Pledge was said.
  - d.** Announcements: Reverend Vaughn Hayden announced the Immanuel Methodist Church will be having a 911 service and Mayor Sutton will be speaking. There is a picnic after the service and everyone is invited, hope all can attend.
- III.** Additions/Deletions to Published Agenda - none
- IV.** Debbie Horn – 2015 Audit Report
  - a.** Debbie Horn stated she has finished the FY 2015 audit and it has been reviewed by CM Hatton and TM Green.
    - The Town had \$827,000 in cash/simple returns at the end of June, total assets of 5.4 million dollars at the end of June and net assets of 5.292 after obligations at the end of June.
    - The biggest yearly bill is payroll. There was surplus money from grants and supplemental taxes this year.
    - CM Hatton explained that the grant money mentioned in the audit was streetscape money. The Town didn't actually spend any money; the grant money was sent to us and we wrote the checks.
- V.** Council Minutes
  - a.** Approval of April 20, 2016 Council Workshop Minutes
    - CM Ness motioned, CM Hatton seconded with unanimous vote to approve the minutes as written.
  - b.** Approval of May 18, 2016 Council Workshop Minutes

- CM Ness motioned, CM Hatton seconded with unanimous vote to approve the minutes as written.

## **VI. Mayor's Report**

- a. Discuss IT position for Town Hall
  - Mayor Sutton said he would like to discuss possibly hiring a new IT person to handle the Town needs. He has personally been having problems getting hold of our IT man and we are still having problems with AOL emails. He asked Council how they would feel about TM Green trying to find another IT firm to handle our needs.
  - CW Gorman said it has been 2 ½ months that we have had AOL problems. AOL won't accept emails from our server for some reason and it still hasn't been fixed. I also can't get in touch with our IT man.
  - CM Ness asked TM Green how he feels about this.
  - TM Green said he hasn't had any problems. IT isn't his expertise; know we had to get a new IP address. Called AOL myself and don't know what is going on.
  - CW Cook said the IT person should be able to find and fix the problem.
  - CM Ness asked if the test on our system is complete.
  - CM Hatton said the state hasn't started the test yet.
  - TM Green said when he started we had Steve Schuyler doing our IT, and then we went to Versalign who had trouble keeping employees. Our current IT guy was with them and went to work for the state and on his own. I have no trouble getting hold of him.
  - After more discussion, Mayor Sutton stated we don't have a contract with our IT man and asked TM Green
    - to seek 3 bids for IT for the Town Hall.
- b. Committee Re-Organization
  - Mayor Sutton said prior to the meeting Council discussed the committee re-organization.
  - CW Gorman is now going to be head of the HR committee, although we don't have a big need for it.
  - CW Gorman would also like to co-chair with CM Hatton on the land use and development committee. She has experience with land use and would welcome the additional responsibility now that she is retired.
  - Mayor Sutton said he believes as the Town grows, CW Gorman would be an asset to the committee.
  - CM Hatton said he thought this issue was already resolved. Mayor Sutton said it was tabled and once Council thought about it, this is what they decided they would like to do. CM Hatton said this is the first he has heard of this.
  - Mayor Sutton asked for a motion to appoint CW Gorman as co-chair of the land use and development committee.
  - CM Ness motioned, CW Cook seconded, vote: CM Ness, CW Gorman, CW Cook – aye, CM Hatton – nay.
  - CM Ness added he wants to ensure CM Hatton keeps his position and added this is a true coordination of effort. He added CM Hatton has done a great job for the Town and has many contacts.

## **VII. Reports**

- a. Fred Townsend III, Town Attorney – no report
  - CM Ness asked if there is any movement on the litigation.
  - TA Townsend said no, have the trial date scheduled on May 2017 which was discussed at the last meeting.
  - Mrs. Albert asked if the Town is moving forward with the property that is out of compliance and has it been taken to the County or State level.
  - TA Townsend asked to put this discussion in executive session at the next meeting.

- b. Owen Hyne, Town Engineer
- TVI – Received maintenance bonds for the front of the development. It isn't done but we are getting closer to them offering the roads to the Town. We also received the bond for Phase 4d.
  - Some sidewalks are going in and the top soil; the developer is waiting for Verizon to move wires so they can finish the intersection at Gray and South Streets.
  - 141 Main Street – parking lot was paved today; striping, painting and curbs are slated to go in next week.
  - The landscaper installed the irrigation system. He is planting next week (trees and shrubs) and plans to put the sod in the following week.
  - CM Ness stated the pavement is cracking at the entrance on Edgar Road.
  - TE Hyne said he will do a punch list before the roads are turned over to the Town.
  - Mayor Sutton asked what the plan is for the neighbor's front yard (next to Town Hall). With the grading for the sidewalk, the corner of their property was cut off and it will start eroding. They also believe we are on their property.
  - TE Hyne stated they will seed it, but it was high before. They had some plantings there.
  - Mayor Sutton and TE Hyne will look at it after the meeting.
  - TM Green asked if the property was surveyed prior to any work being done on the east side of Town Hall.
  - TE Hyne stated Karins Engineering surveyed the property.
  - Reverend Hayden asked when South Street will be open as a connector to TVII and was told it is open now.
  - TM Green added he talked to Rob Allen and Ron about putting a stop sign up there. He will give them a week to do it as people are not stopping coming out of the development.
- c. Dawson Green, Town Manager
- Received the contract from Chesapeake Gas to run natural gas to the Town Hall.
  - The contractor was here and put more sand and bricks down the flagpole holes and compacted it. Afraid to pour concrete as we get strong winds and it could snap the poles. Have to have some movement because of the wind.
  - Mayor Sutton asked about the storm drain covers. TM Green said he still hasn't heard anything and will email again tomorrow.
  - TM Green stated he received one solar estimate from GoLiberty but they have to change it to add a converter. TE Hyne said the converter is on the building. TM Green said this estimate came in for a little over \$20,000.00. The contractor also said Delmarva has a grant for \$8,000 now so it would cost approximately \$11,000.
  - Mayor Sutton added that Solar City would be submitting a bid and he also let them know the Town would be interested in other options to save money on street lights.
  - CW Cook asked to have George weed around the trees along Main Street.
  - TM Green said Bailey's is looking for a Princeton American elm to replace the one on Main Street.
  - Have had to revise the county tax roll, am 90% done so hopefully taxes will be mailed next week.

### **VIII. Committee Reports**

- a. Finance: Chair – CM Jermaine Hatton
- The 2015 FY audit is done, will now start the FY 2016 audit. Had some straggling bills come in and some trash payments that have to be put in FY 2016.
  - TM Green explained that if there is a late trash bill, some of the money has to go into the prior FY but it's quite a process because FY 2016 has been closed out so the late payments don't hit the finance side and have to manually be put in. Hope we are almost done with this.

- CM Hatton said the budget was approved in late May and some of the numbers were based on fee schedules that have changed. Council needs to make some decisions on re-opening the budget. An example is Waste Industries whose fee went up per their contract. We don't make any money from them.

- TM Green said he has pulled the fees from all the ordinances to put them in one place. Some permit fees need to increase but Council needs to make the decision on what to increase or decrease. Then TA Townsend will have to help with the new ordinance. The 5 year contract was signed for our trash service with a small increase each year. He added that not all fees were increased.

- CM Hatton explained that rather than pass the increase onto our residents, we hope to collect more money on contractor and permit fees.

- CM Ness asked when Council should review the fees and approve them.

- CM Hatton replied it should have been done effective July 1<sup>st</sup>. The budget was approved based on fee increases. If Council doesn't want to increase fees, the budget needs to be re-written.

- There was a long discussion about the fees and where to put them in the Code book.

b. Public Works: Chair - Mayor Rudy Sutton

- Consider adopting Ordinance No. 16-06 – Parking Restrictions on Main Street, west of Railroad Tracks to Town Limits

- a) CM Ness motioned, CM Hatton seconded with unanimous vote to adopt Ordinance No. 16-06.

- Relocation of storage containers

- a) Mayor Sutton said this came up when the Carter's asked when we will be moving our storage boxes from 661 South Street. Council feels the Finley Street property would be a good place to put the Konox boxes and we may put the wood shed in the bump-out here.

- b) TE Hyne said there is an issue over the bump out here at Town Hall. The notch has no clear deed, not sure who owns it. The Town should have their attorney look into this and officially obtain the property.

- c) TE Townsend suggested the Town start maintaining the property and possibly put a fence inside the existing fence. Take adverse possession – it takes a long time to do but no one can adversely make a claim against the Town. You should put a shed there.

- d) Mayor Sutton asked for a timeline on the Finley Street property. The foundation is still there, contractor did save us some bricks. Per the contract the foundation is supposed to be completely removed and the roadway clear. We could put the konox boxes on the property.

- e) TM Green asked if the property is going to be surveyed, we can't put anything there until it is done.

- f) TE Hyne stated that is the next step.

- g) After a long discussion, Mayor Sutton asked TM Green to have the contractor give us a price to put crusher run down on the property where the boxes would go. He also asked TM Green go walk the property with him to see if they could find some boundary markers.

- Discussion /possible vote to change scope of work for Bailey's Landscaping at 141 Main Street

- a) Bailey's submitted some upgrades, a stone border around the building (at 141 Main Street) to protect the sod and protect the lattice and building. Another option is a flower bed around the Town sign, but will wait until we reduce rest of sign and put it up.

- b) Suppi was supposed to do the final grading and put in top soil to prep the yard for sod. He hasn't done anything.

- c) CM Ness motioned, CW Gorman seconded with unanimous vote to have Bailey's install stone as part of the landscaping.

- d) TM Green said the plumber came in and fixed the backflow issue. TE Hyne added there was no charge for this service.

- Discussion pertaining to smoking on Town owned properties

a) CW Cook stated she spoke with some residents who all rushed out to smoke after the last meeting. She feels it would be wise to have a smoke can here for the butts, rather than throwing them on the ground. We have some at the park in the konox box. There is no ordinance prohibiting smoking on Town property.

b) CM Hatton said in 2002 the state passed a law prohibiting smoking on any state owned property. Feel we would be taking a step backward if we don't abide by a state law on our first owned property.

c) After a long discussion, it was decided the smoking hut would go in the bump out area for now.

d) CW Gorman motioned, CW Cook seconded to set up a smoke area in the bump out at Town Hall.

e) Vote: CW Cook and CW Gorman – aye, CM Hatton and CM Ness – nay, Mayor Sutton voted to break the tie and voted aye. Motion carried.

c. Land Use & Development: Chair – CM Jermaine Hatton

- Introduction of Ordinance No. 16-07 – Change of Land Use for property located at 307 Main Street

a) This ordinance will change the zoning of the property from commercial to residential. Would like to have a public hearing on August 24, 2016 at 6:45 pm and have Council consider and adopt the ordinance in the Council meeting that follows.

b) Mrs. Albert stated that with the newly formed Planning Commission she hopes these things go smoother. This took months and the owner lost many sales and I would have hired a lawyer if it took this long.

- Introduction of Ordinance No. 16-08 – Adoption of new Zoning Map to show property located at 307 Main Street as being zoned residential

a) This will adopt the zoning map showing 307 Main Street as residential if Ordinance No. 16-07 passes.

b) Would like to have a public hearing on August 24, 2016 at 6:45 pm and have Council consider and adopt the ordinance in the Council meeting that follows.

d. Public Safety: Chair – CM John Ness

- CM Ness and TM Green will discuss video cameras after the meeting.

e. Community Relations: Chair – CW Cindy Cook

- Social Media – this is a great source to share any information we have to get to our residents.

- Mayor Sutton stated CW Cook needs a Town cell phone to run the facebook page. When someone takes her seat, that phone can be handed to new councilperson with all the information. He asked TM Green to purchase a phone.

- CM Hatton asked if CW Cook drew up the social media policy and was told yes, it was emailed to all of Council the next day.

- CM Hatton asked for a copy, he never received it.

f. Parks & Recreation: Chair – CW Lorraine Gorman

- Park Maintenance – maintenance continues by our contractor and our men.

- NWF Update – will have more information next month about our 6 year certification.

- Upcoming Events

a) Movie under the Stars – August 19, 2016 @ 8:30 in the Townsend Municipal Park

a. Movie we will show is “Zootopia”.

b. Several vendors will be in attendance – Come join the Fun!

b) Town Parade and Fair – September 24, 2016

a. Vendors and parade participants continue to sign up for the event.

b. Need volunteers.

**IX Citizens Comments & Participation:**

- Mr. Harrington stated there is a resident that continually downgrades one of the Town employees. He decided to let Council know that he thinks George is great. He is always working and cleaning, does anything you ask and never rests. He goes above and beyond!

**X Motion to Recess for Executive Session:** CW Gorman motioned, CM Ness seconded to recess for executive session at 9:37 pm.

**XI Motion to Convene Executive Session:**

- In accordance to 29 Del. C. §10004 (b) (9) the Town Council will be meeting in executive session to discuss personnel matters.

**XII Motion to close Executive Session & Re-Convene Mid-Month Meeting:**

**XIII Adjournment:**

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